

Bountiful City
Administrative Committee Minutes
June 22, 2009
5:00 P.M.

Present: Chairman, Aric Jensen; Committee Member, Dave Badham; Assistant City Engineer, Lloyd Cheney; Assistant Planner Dustin Wright; Assistant Planner Doug Howard and Recording Secretary Cindy Gruendell.

Excused: Committee Member John “Marc” Knight.

1. Chairman Jensen opened the meeting at 5:03 p.m. and introduced everyone present.
2. Consider approval of minutes for May 26, 2009.

Mr. Cheney noted two typing errors on Page 2 of the minutes.

Mr. Cheney made a motion to approve the minutes for the May 26, 2009 meeting with the corrections as noted. Mr. Jensen seconded the motion. Motion passed 2-0 with Mr. Badham abstaining as he was not present at that meeting.

3. **Public Hearing** – Consider granting a Conditional Use Permit for a Home Occupation Business License for a Construction/Landscaping business at 919 East Millbrook Way, applicant Tui Vi Satuala, Mellow Construction.

Applicant Tui Vi Satuala was present. Mr. Howard presented the staff report.

The applicant’s home is in an R-3, Residential Single-Family zone. His business deals primarily with concrete and landscaping. He only has small hand tools at his home and a pickup truck. He rents his equipment for each job and major equipment is not stored at his home. His cousin works with him, but they meet at the job site and do not “work” at the dwelling.

Upon review of Tui Vi Satuala’s application, staff finds that the applicant complies with requirements in the City Code. Staff recommends to the Committee approval for a Conditional Use Permit for a Home Occupation Business License under the following

conditions.

1. The applicant is to keep a current Bountiful City Home Business license.
2. The applicant is to comply with all the conditions and requirements listed in the Bountiful City Code concerning a Conditional use Permit and Home Occupation Businesses. (14-2-506 and 14-17-105)
3. This Conditional Use Permit is just for this individual at this site and is not transferable.

Mr. Satuala – I had a business in the past, but have not operated it for a long time. I have the business now. My cousin works for me and if needed a few helpers. They meet at the job site.

Mr. Jensen – so you have one employee that actually works for you and you have others that you hire on an as needed basis.

Mr. Satuala – yes. I do not have any big trucks, just a 1 ton pickup.

Mr. Cheney – so that the committee is aware. Bruce Floyd, City Inspector, received a phone call about an approach that was put in over the weekend by a “Mellow Construction”. I don’t know if there are two Mellow Constructions or if there is only one.

Mr. Satuala – there is only one, but there are three partners.

Mr. Cheney – is Kapa your cousin?

Mr. Satuala – No he is not my cousin, but I know him.

Mr. Cheney – we have a situation right now where an approach was put in over the weekend, with no inspection, no permit, they broke the neighbors drive approach and I think it is very interesting that this comes up moments before we have this meeting. Certainly that clouds any decision in my mind.

Mr. Jensen – so do you know who this person is?

Mr. Satuala – Yes I know who he is. He is different, he is a different company. He is a partner to, but is different than me. I have different insurance, I have different everything at my address.

Mr. Cheney – so are there two Mellow Constructions companies.

Mr. Satuala – There are three partners.

Mr. Cheney – but you only have one contractor's license?

Mr. Satuala – Yes, only one.

Mr. Cheney – so we would look at it as one contractor business, is that not true?

Mr. Jensen – right, if they only have one contractor's license than it would be just one business.

Mr. Jensen – what address is registered with the State for your contractor's license? The City business license has to have the same address as the license for the contractor's license. You can't have a business here but have a contractor license somewhere else. Your address has to match up with the address on the contractor's license at the State. You need to either get your own contractor's license or somehow split it up so that your contractor's license matches your business location address.

Mrs. Satuala – the main owner is in Orem, so his Orem license can be used here as well?

Mr. Jensen – that is what he should be doing.

Mr. Satuala – most of my jobs are in Bountiful and I just wanted to be legal. Most cities require a license for each city that you work in. This is what concerned me.

Mr. Jensen – you should be receiving your mail and should be doing all of your business transactions at the Orem office.

Mr. Badham – it is the responsibility of the contractor to find out if a City requires a license to do work in them, Bountiful is not one of those, but there are some.

Mr. Cheney – There is a difference between a license and a permit. If you work in the street (between the sidewalks), you have to be bonded and proof of insurance.

Mr. Jensen – you need to operate out of the Orem office.

Mr. Badham – you still need to get permits.

Mr. Jensen – we will dismiss this item – no license is needed. However, since there is public present for this item, we will go ahead and take any comments.

Phil Olsen – 928 Millbrook Way: he wishes Mr. Satuala well, but has a few concerns. Today they did not meet at the job site, there were three employees parked there all day. We are concerned about having a contractor business in the neighborhood and it not looking residential.

Mr. Jensen – one of the general rules for residential neighborhoods is that you can't use it to stage for commercial activities. You can't have employees park in a residential neighborhood for a business.

Paul Jackson – 947 Millbrook Way: we just did not want a business in the area, with workers parking there, trucks, equipment and materials at the home. We want to stay neat and clean and keep up to par with the neighborhood.

Mr. Cheney – the idea behind a Conditional Use Permit for a Home Occupation business license is to inform the applicant that their business should be transparent to the neighbors.

Mr. Jensen – we will dismiss this item because it turns out that the applicant does not need a license.

4. Consider approval of a Conditional Use Permit letter for a Home Occupation Business License for a yard care business at 48 North 300 East, applicant Joshua Taylor, Neighbor Boys.

Mr. Cheney made a motion to approve the Conditional Use Permit letter for a Home Occupation Business License for a yard care business at 48 North 300 East as drafted. Mr. Jensen seconded the motion. Motion passed 2-0 with Mr. Badham abstaining as he was not present at that meeting.

There were no other items and the meeting adjourned at 5:27 p.m.